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25 Jeffrey Simon

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 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20

21 JEFFREY SIMON

22 Plaintiff,

23 vs.

24 UNUM LIFE INSURANCE COMPANY OF
 25 AMERICA and THE LIPMAN COMPANY,
 INC. LONG TERM DISABILITY PLAN

26 Defendants

27 } Case No.: C07-2213 WDB

28 } **STIPULATION AND [PROPOSED]
 } ORDER CONTINUING CASE
 } MANAGEMENT CONFERENCE**

29 } **Current Date: July 30, 2007**

30 } **Crt: 4 (Oakland)**

31 } **Time: 4:00 p.m.**

32 } **Proposed Date: August 20, 2007**

RECITALS

Defendant Unum Life Insurance Company of America ("Unum") and Plaintiff Jeffrey Simon ("Simon") stipulate and request that the Court continue the Case Management Conference set for July 30, 2007 until August 20, 2007 due to calendar conflicts for both counsel and because one party has not yet appeared. There have been no prior continuances.

5 Mr. Kantor, counsel for plaintiff, has previously requested and obtained permission to
7 appear telephonically because of a scheduled vacation.

8 Mr. Ferry, counsel for defendant Unum will be also be on vacation and while he could
9 also appear telephonically, counsel agree that it would be preferable to have both counsel present
10 in Court for the conference.

11 Further, defendant The Lipman Company, Inc., Long Term Disability Plan has not yet
12 been served as it apparently is no longer in existence. Plaintiff is in the process of amending his
13 complaint to name and serve the successor entity. Consequently, a continuance would allow
14 time for that defendant to be served, retain counsel and appear at the conference.

STIPULATION

17 Accordingly, Defendant Unum and Plaintiff Simon stipulate that the Case Management
18 Conference be continued from July 30, 2007 to August 20, 2007. The location and time would
19 remain the same.

KELLY, HERLIHY & KLEIN LLP

24 | Dated: July , 2007

By _____ /s/ _____
John C. Ferry
Attorneys for Defendant
UNUM LIFE INSURANCE
COMPANY OF AMERICA

1 KANTOR & KANTOR, LLP
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5 Dated: July __, 2007

6 By _____/s/
7 Glenn R. Kantor
8 Attorneys for Plaintiff
9 Jeffrey Simon

10 **ORDER**

11 Good cause having been shown, the Case Management Conference presently set for July
12 30, 2007 at 4:00 p.m. is hereby continued to August 20, 2007 at 4:00 p.m.

13 Dated: July __, 2007

14 _____ United States Magistrate Judge

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